

Message Text

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INFO OCT-01 EA-10 ISO-00 SNM-02 JUSE-00 RSC-01 /016 R

DRAFTED BY L/M:CLBLAKELSEY:AD

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EA/J - D. BROWN

L - MR. FIELDS (INFO)

S/NM - AMB. VANCE (INFO)

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O 222214Z JAN 75

FM SECSTATE WASHDC

TO AMEMBASSY TOKYO IMMEDIATE

UNCLAS STATE 015398

E.O. 11652: N/A

TAGS: CPRS, PFOR, SNAR, JA

SUBJECT: JUDICIAL ASSISTANCE - JUSTICE DEPARTMENT

DEPOSITION REQUEST

REF: STATE 13983

1. JUSTICE DEPARTMENT HAS ADVISED THAT DEPOSITION IS TAKING LONGER THAN EXPECTED AND THAT THERE IS POSSIBILITY OF DEPOSITION NOT BEING COMPLETED. IF THERE IS NO CROSS-EXAMINATION OF WITNESSES, THE DEPOSITION, OF COURSE, WILL NOT BE ADMISSIBLE IN COURT. DEPARTMENT ADVISED REFTEL THAT IT WOULD NOT BE RIGHT TO REQUEST A POSTPONMENT OF DEPOSITION IN ORDER TO ALLOW DEFENSE ATTORNEYS TO MAKE "LOCAL INVESTIGATION". REQUESTING EXTENSION OF THE 2-3 DAY ESTIMATE OF TIME THAT DEPOSITION WOULD TAKE IS A DIFFERENT QUESTION, HOWEVER. IT WOULD BE UNFORTUNATE IF THE SUCCESSFUL PROSECUTION OF THIS VERY IMPORTANT CASE FAILED BECAUSE OF FAILURE TO COMPLETE DEPOSITION. DEPARTMENT BELIEVES IT WOULD BE APPROPRIATE TO REQUEST EXTENSION OF TIME TO COMPLETE DEPOSITION SHOULD THIS PROVE NECESSARY.

2. IT IS IN INTEREST OF GOJ AS WELL AS USG TO HAVE DEPOSITION COMPLETED AND TO HAVE THIS VERY IMPORTANT NARCOTICS

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CASE WHICH PARTLY TOOK PLACE IN JAPAN RESOLVED FAIRLY AND

AS QUICKLY AS POSSIBLE. FAIR AND COMPLETE DEPOSITION IS
NECESSARY TO ACCOMPLISH THIS. FAILURE TO COMPLETE

DEPOSITION MERELY BECAUSE IT WAS TAKING LONGER THAN
EXPECTED WOULD BE UNFORTUNATE.

3. AS EMBASSY AWARE, THERE IS VERY HIGH LEVEL INTEREST IN
FAVORABLE OUTCOME OF THIS DEPOSITION. ATTORNEY GENERAL
SAXBE WROTE TO SECRETARY TO SHOW IMPORT OF FAVORABLE OUT-
COME. DEPARTMENT, THEREFORE, AUTHORIZES EMBASSY TO REQUEST
EXTENSION OF TIME FOR COMPLETION OF DEPOSITION. DEPARTMENT
UNDERSTANDS THAT THE DIFFICULTIES PRESENTED BY THIS UNIQUE
CASE. (FYI: DEPARTMENT HAS REQUESTED JUSTICE DEPARTMENT
TO KEEP SUCH REQUESTS TO MINIMUM AND TO CONSULT WITH
DEPARTMENT PRIOR TO HAVING COURT ORDER SIMILAR DEPOSITIONS,
SO THAT ARRANGEMENTS AND PROBLEMS MAY BE WORKED OUT IN
ADVANCE. END FYI). NEVERTHELESS, THIS CASE HAS SUCH
IMPORT AND IS SO FAR ALONG THE WAY TO COMPLETION IT WOULD
BE UNFORTUNATE TO WASTE IT.

4. JUSTICE DEPARTMENT ATTORNEYS WILL OBJECT TO UNREASON-
ABLE DELAYS AND WILL ATTEMPT TO COMPLETE DEPOSITION AS
FAST AS POSSIBLE. JUSTICE HAS ADVISED THAT IF NECESSARY
IT WILL TERMINATE DEPOSITION AFTER COMPLETION OF TESTIMONY
OF ONE OF WITNESSES, ALTHOUGH IT WOULD BE MUCH MORE
SATISFACTORY TO COMPLETE DEPOSITION OF BOTH WITNESSES.

5. SHOULD CIRCUMSTANCES REQUIRE, PLEASE DO WHATEVER IS
NECESSARY TO OBTAIN APPROVAL OF EXTENSION FOR PURPOSES OF
COMPLETION OF DEPOSITION. KISSINGER

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